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FACT SHEET

KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT TO DISCHARGE TREATED WASTEWATER INTO WATERS OF THE COMMONWEALTH

KPDES No.: KYG400000 Permit Writer: Larry Sowder Date: November 30, 2007
AI No.: 35050

1. SYNOPSIS OF APPLICATION

a. Name and Address of Applicant

Those individual family residences which are within the Commonwealth of Kentucky and which are served by 1,000 gallon per day or less design capacity individual wastewater treatment plants.

b. Facility Location

Those individual family residences located within the physical and political boundaries of the Commonwealth of Kentucky.

c. Description of Applicant's Operation

Covered activities include direct discharges and land disposal of wastewater from individual family residences which meet following criteria:

- 1) The residence is intended for occupancy by a individual family unit.
- 2) Wastewater treatment plants that have a design capacity of 1,000 gallons per day or less.
- 3) Provided certification that onsite disposal options have been evaluated with the local Health Department and that no onsite disposal system is suitable for the site.
- 4) Has received a construction permit from the Division of Water to install an approved wastewater treatment and disposal system.

c. Description of Applicant's Operation

The following types of discharges/dischargers are not eligible for coverage under this general permit.

- 1) New discharges into a water body that has been classified as a Coldwater Aquatic Habitat (CAH) or Outstanding State Resource Water (OSRW) as listed in 401 KAR 5:026, Section 5.
- 2) New discharges into a water body that has been classified as a publicly-owned lake or reservoir as listed in 401 KAR 5:026, Section 5.
- 3) New discharges into a water body that has been categorized as an Outstanding National Resource Water (ONRW) or as an Exceptional Waters (EW) as listed in 401 KAR 5:030.
- 4) New discharges within five (5) miles upstream of an existing drinking water intake.
- 5) Any discharge to a water of the Commonwealth that has been listed, in the most recently developed 305 (b) report or 303(d) list, as impaired for pathogens, low dissolved oxygen, organic enrichment, or nutrients.
- 6) Any wastewater which does not receive the minimum treatment requirements of extended aeration, sand filtration, and disinfection.
- 7) Any permittee that fails to maintain the wastewater treatment plant in good working order or does not have a maintenance contract.
- 8) Any permittee that fails to maintain the required operational records and submission of the Discharge Monitoring Reports (DMRs).
- 9) Any discharge, which the Division of Water (DOW) determines that an individual permit would better address the discharges from that operation.

d. Production Capacity of Facility

Not Applicable

e. Description of Existing Pollution Abatement Facilities

Minimum treatment requirements are extended aeration, sand filtration, and disinfection.

f. Permitting Action

The reissuance of the Individual Residences General KPDES Permit to renew coverage on 1729 existing individual family resident package wastewater treatment plants and to add new coverages as appropriate.

2. **RECEIVING WATERS**

a. Receiving Water Name

Those water bodies of the Commonwealth that comprise the Mississippi and Ohio River basins and sub-basins within the political and geographic boundaries of Kentucky.

b. Stream Segment Use Classifications

Warmwater Aquatic Habitat, Primary and Secondary Contact Recreation, and Drinking Water Source

c. Stream Segment Antidegradation Categorization

Included are those water bodies which have been categorized as High Quality Waters, pursuant to 401 KAR 5:030, Section 3.

Included are those water bodies which have been categorized as Impaired Waters, pursuant to 401 KAR 5:030, Section 4, and which have been listed in the most recently developed 305 (b) report or 303(d) list, as impaired for pollutants not commonly associated with sanitary wastewater discharges.

d. Stream Low Flow Condition

The 7-day, 10-year low flow conditions of the receiving streams can range from zero (0) cubic feet per second (cfs) to 111,000 cfs for the Mississippi River.

3. REPORTED DISCHARGE AND PROPOSED LIMITS

Description of Discharge - Treated sanitary wastewater from individual family residences discharging to Type A receiving streams.

| Effluent Characteristics | Reported Discharge | | Proposed Limits | | Applicable Water Quality Criteria and/or Effluent Guidelines |
|---|----------------------|----------------------|-------------------|---------------|---|
| | Monthly Average | Daily Maximum | Monthly Average | Daily Maximum | |
| Flow (MGD) | Variable | Variable | Report | Report | 401 KAR 5:065, Section 2(8) |
| CBOD ₅ (mg/l) | Variable | Variable | 10 | 15 | 401 KAR 5:031, Section 4 401 KAR 5:045, Sections 3 and 5 |
| Total Suspended Solids (mg/l) | Variable | Variable | 30 | 45 | 401 KAR 5:031, Section 4 401 KAR 5:045, Sections 2 and 3 |
| <i>Escherichia Coli</i> (N/100 ml) | Variable | Variable | 130 | 240 | 401 KAR 5:031, Section 7 401 KAR 5:045, Section 4 401 KAR 5:080, Section 1(2)(c)2 |
| Ammonia Nitrogen (as mg/l N) May 1 – October 31 November 1 – April 30 | Variable Variable | Variable Variable | 2.0 5.0 | 3.0 7.5 | 401 KAR 5:031, Section 4 401 KAR 5:045, Sections 3 and 5 |
| Dissolved Oxygen (mg/l) (minimum) | Variable | | Not less than 7.0 | | 401 KAR 5:031, Section 4 401 KAR 5:045, Sections 3 and 5 |
| pH (standard units) | Variable | Variable | 6.0 (min) | 9.0 (max) | 401 KAR 5:031, Section 4 401 KAR 5:045, Section 4 |
| Total Residual Chlorine, (mg/l) | Variable | Variable | 0.011 | 0.019 | 401 KAR 5:031, Section 4(k) |

Type A receiving streams see Section 4c Pertinent Factors.
 The abbreviation CBOD₅ means Carbonaceous Biochemical Oxygen Demand (5-day).
 The effluent limitations for CBOD₅ and Total Suspended Solids are Monthly Averages and Weekly Averages.
 The effluent limitations for *Escherichia Coli* are 30 day and 7 day Geometric Means.

4. METHODOLOGY USED IN DETERMINING LIMITATIONS

a. Serial Number

Treated sanitary wastewater from individual family residences discharging to Type A receiving streams.

b. Effluent Characteristics

Flow, Carbonaceous Biochemical Oxygen Demand (5-day), Total Suspended Solids, *Escherichia Coli*, pH, Ammonia Nitrogen, Dissolved Oxygen, and Total Residual Chlorine (TRC).

c. Pertinent Factors

Type A receiving streams are defined as those water bodies which the Division of Water has determined to have a 7 day, 10 year (7Q10) low flow conditions of 0.05 cfs or less.

d. Monitoring Requirements

Instantaneous flow measurements shall be collected once per quarter.

Ammonia Nitrogen, Carbonaceous Biochemical Oxygen Demand (5-day), Total Suspended Solids, *Escherichia Coli*, pH, Dissolved Oxygen and Total Residual Chlorine shall be monitored once per quarter by grab sample.

e. Justification of Limits

The Kentucky Administrative Regulations (KARs) cited below have been duly promulgated pursuant to the requirements of Chapter 224 of the Kentucky Revised Statutes (KRSs).

Flow

The monitoring requirement for this parameter is consistent with the requirements of 401 KAR 5:065, Section 2(8).

CBOD₅, Ammonia Nitrogen, and Dissolved Oxygen

The limits for these parameters are consistent with the requirements of 401 KAR 5:031, Section 4, and 401 KAR 5:045, Sections 3 and 5. Section 4 of 5:031 establishes water quality criteria for the protection of Kentucky's waters. Section 5 of 5:045 requires biochemically degradable wastewaters to receive treatment in excess of secondary treatment if the Cabinet determines that the receiving water would not satisfy applicable water quality standards as a result of a facility discharge or discharges from multiple facilities.

Total Suspended Solids

The limits for this parameter are consistent with the requirements of 401 KAR 5:031, Section 4 and 5:045, Sections 2 and 3. Section 4 of 5:031 establishes water quality criteria for the protection of Kentucky's waters. Sections 2 and 3 of 5:045 require biochemically degradable wastewaters to receive secondary treatment.

4. METHODOLOGY USED IN DETERMINING LIMITATIONS - continued

e. Justification of Limits - continued

pH

The limits for these parameters are consistent with the requirements of 401 KAR 5:031, Section 4 and 5:045, Section 4. Section 4 of 5:031 establishes water quality criteria for the protection of Kentucky's waters. Section 4 of 5:045 establishes the acceptable levels of these parameters for biochemically degradable wastewaters.

Escherichia Coli

The limits for *Escherichia Coli* are consistent with the requirements of 401 KAR 5:031, Section 7. Section 7 establishes the primary and secondary contact recreational waters criteria. EPA recommends *Escherichia Coli*, which is specific to fecal material from warm-blooded animals, as the best indicator of health risk from contact with recreational waters.

Total Residual Chlorine

The limits for this parameter are consistent with the requirements of 401 KAR 5:031, Section 4(k).

5. REPORTED DISCHARGE AND PROPOSED LIMITS

Description of Discharge - Treated sanitary wastewater from individual family residences discharging to Type B receiving streams.

| Effluent Characteristics | Reported Discharge | | Proposed Limits | | Applicable Water Quality Criteria and/or Effluent Guidelines |
|---|----------------------|----------------------|-------------------|---------------|--|
| | Monthly Average | Daily Maximum | Monthly Average | Daily Maximum | |
| Flow (MGD) | Variable | Variable | Report | Report | 401 KAR 5:065, Section 2(8) |
| BOD ₅ (mg/l) | Variable | Variable | 30 | 45 | 401 KAR 5:031, Section 4 401 KAR 5:045, Sections 2 and 3 |
| Total Suspended Solids (mg/l) | Variable | Variable | 30 | 45 | 401 KAR 5:031, Section 4 401 KAR 5:045, Sections 2 and 3 |
| <i>Escherichia Coli</i> (N/100 ml) | Variable | Variable | 130 | 240 | 401 KAR 5:031, Section 7 401 KAR 5:045, Section 4 401 KAR 5:080, Section 1(2)(c)2 |
| Ammonia Nitrogen (as mg/l N) May 1 – October 31 November 1 – April 30 | Variable Variable | Variable Variable | 20 20 | 30 30 | 401 KAR 5:031, Section 4 401 KAR 5:045, Sections 2 and 3 401 KAR 5:080, Section 1(2)(c)2 |
| Dissolved Oxygen (mg/l) (minimum) | Variable | | Not less than 2.0 | | 401 KAR 5:031, Section 4 401 KAR 5:045, Sections 2 and 3 401 KAR 5:080, Section 1(2)(c)2 |
| pH (standard units) | Variable | Variable | 6.0 (min) | 9.0 (max) | 401 KAR 5:031, Section 4 401 KAR 5:045, Section 4 |
| Total Residual Chlorine, mg/l | Variable | Variable | Report | 0.019 | 401 KAR 5:031, Section 4(k) |

Type B receiving streams see Section 6c Pertinent Factors.
 The abbreviation BOD₅ means Biochemical Oxygen Demand (5-day).
 The effluent limitations for BOD₅ and Total Suspended Solids are Monthly Averages and Weekly Averages.
 The effluent limitations for *Escherichia Coli* are 30 day and 7 day Geometric Means.

6. METHODOLOGY USED IN DETERMINING LIMITATIONS

a. Serial Number

Treated sanitary wastewater from individual family residences discharging to Type B receiving streams.

b. Effluent Characteristics

Flow, Biochemical Oxygen Demand (5-day), Total Suspended Solids, *Escherichia Coli*, pH, Ammonia Nitrogen, Dissolved Oxygen, and Total Residual Chlorine (TRC).

c. Pertinent Factors

Type B receiving streams is defined as those water bodies which the Division of Water has determined to have a 7 day, 10 year (7Q10) low flow conditions of greater than 0.05 cfs.

d. Monitoring Requirements

Ammonia Nitrogen, Biochemical Oxygen Demand (5-day), Total Suspended Solids, *Escherichia Coli*, pH, Dissolved Oxygen and Total Residual Chlorine shall be monitored once per quarter by grab sample.

e. Justification of Limits

The Kentucky Administrative Regulations (KARs) cited below have been duly promulgated pursuant to the requirements of Chapter 224 of the Kentucky Revised Statutes (KRSs).

Flow

The monitoring requirement for this parameter is consistent with the requirements of 401 KAR 5:065, Section 2(8).

BOD₅ and Total Suspended Solids

The limits for these parameters are consistent with the requirements of 401 KAR 5:031, Section 4, and 401 KAR 5:045, Sections 2 and 3. Section 4 of 5:031 establish water quality criteria for the protection of Kentucky's waters. Sections 2 and 3 of 401 KAR 5:045 establishes secondary treatment standards for sanitary wastewaters.

Ammonia Nitrogen, and Dissolved Oxygen

The limits for this parameter are consistent with the requirements of 401 KAR 5:031, Section 4, 401 KAR 5:045, Sections 2 and 3, and 401 KAR 5:080, Section 1(2)(c)2. Section 4 of 5:031 establishes water quality criteria for the protection of Kentucky's waters. Sections 2 and 3 of 5:045 require biochemically degradable wastewaters to receive secondary treatment. The limits for these pollutants are representative of the Division of Water's "Best Professional Judgment" (BPJ) determination of the "Best Practicable Technology Currently Available" (BPT) and "Best Available Technology Economically Achievable" (BAT) requirements for these pollutants.

6. METHODOLOGY USED IN DETERMINING LIMITATIONS - continued

e. Justification of Limits - continued

pH

The limits for these parameters are consistent with the requirements of 401 KAR 5:031, Section 4 and 5:045, Section 4. Section 4 of 5:031 establishes water quality criteria for the protection of Kentucky's waters. Section 4 of 5:045 establishes the acceptable levels of these parameters for biochemically degradable wastewaters.

Escherichia Coli

The limits for *Escherichia Coli* are consistent with the requirements of 401 KAR 5:031, Section 7. Section 7 establishes the primary and secondary contact recreational waters criteria. EPA recommends *Escherichia Coli*, which is specific to fecal material from warm-blooded animals, as the best indicator of health risk from contact with recreational waters.

Total Residual Chlorine

The limits for this parameter are consistent with the requirements of 401 KAR 5:031, Section 4(k).

7. REPORTED DISCHARGE AND PROPOSED LIMITS

Description of Discharge - Treated sanitary wastewater from individual family residences disposing of the effluent by way of a Type A spray irrigation system.

| Effluent Characteristics | Reported Discharge | | Proposed Limits | | Applicable Water Quality Criteria and/or Effluent Guidelines |
|---|--------------------|---------------|-------------------|---------------|---|
| | Monthly Average | Daily Maximum | Monthly Average | Daily Maximum | |
| Flow (MGD) | Variable | Variable | Report | Report | 401 KAR 5:065, Section 2(8) |
| BOD ₅ (mg/l) | Variable | Variable | 30 | 45 | 401 KAR 5:005, Sections 21 & 22 401 KAR 5:045, Sections 2 and 3 401 KAR 5:065, Section 3(8) |
| Total Suspended Solids (mg/l) | Variable | Variable | 30 | 45 | 401 KAR 5:005, Sections 21 & 22 401 KAR 5:045, Sections 2 and 3 401 KAR 5:065, Section 3(8) |
| <i>Escherichia Coli</i> (N/100 ml) | Variable | Variable | 130 | 240 | 401 KAR 5:005, Sections 21 & 22 401 KAR 5:045, Section 4 401 KAR 5:065, Section 3(8) 401 KAR 5:080, Section 1(2)(c)2 |
| Ammonia Nitrogen (as mg/l N) May 1 - October 31 November 1 - April 30 | Variable | Variable | 20 | 30 | 401 KAR 5:005, Sections 21 & 22 401 KAR 5:045, Section 3 401 KAR 5:065, Section 3(8) |
| | Variable | Variable | 20 | 30 | 401 KAR 5:005, Sections 21 & 22 401 KAR 5:045, Section 3 401 KAR 5:065, Section 3(8) |
| | Variable | Variable | Not less than 2.0 | | 401 KAR 5:005, Sections 21 & 22 401 KAR 5:045, Section 3 401 KAR 5:065, Section 3(8) |
| Dissolved Oxygen (mg/l) (minimum) | Variable | Variable | 6.0 (min) | 9.0 (max) | 401 KAR 5:005, Sections 21 & 22 401 KAR 5:045, Section 4 401 KAR 5:065, Section 3(8) |
| pH (standard units) | Variable | Variable | 6.0 (min) | 9.0 (max) | 401 KAR 5:005, Sections 21 & 22 401 KAR 5:045, Section 4 401 KAR 5:065, Section 3(8) |

Type A spray irrigation systems see Section 8c Pertinent Factors.
 The abbreviation BOD₅ means Biochemical Oxygen Demand (5-day).
 The effluent limitations for BOD₅ and Total Suspended Solids are Monthly Averages and Weekly Averages.
 The effluent limitations for *Escherichia Coli* are 30 day and 7 day Geometric Means.

8. METHODOLOGY USED IN DETERMINING LIMITATIONS

a. Serial Number

Treated sanitary wastewater from individual family residences disposing of the effluent by way of a Type A spray irrigation system.

b. Effluent Characteristics

Flow, Biochemical Oxygen Demand (5-day), Total Suspended Solids, *Escherichia Coli*, pH, Ammonia Nitrogen, and Dissolved Oxygen.

c. Pertinent Factors

Type A spray irrigation system is defined as a spray irrigation system which has a wastewater treatment system consisting of an extended aeration, filtration, and disinfection, and a spray field with a minimum spray area greater than 0.19 acres, a slope of less than six (6) percent, a minimum of 12 inches of soil with a moderate to high soil permeability or saturated hydraulic conductivity, and sufficient vegetative growth to promote absorption, evaporation, and transpiration.

The regulations governing Kentucky on-site sewage disposal systems, i.e. septic tanks, 902 KAR 10:085 requires a minimum of 42 inches of suitable soils.

A moderate to high soil permeability or saturated hydraulic conductivity means a soil with an infiltration rate between 0.6 and 6.0 inches/hour (in/hr) or 10 and 100 micrometers/second ($\mu\text{m/s}$). Permeability and saturated hydraulic conductivity rates were taken from the United States Department of Agriculture, Natural Resources Conservation Service Soils Website.

Sufficient vegetative growth means that, at a minimum, 95 percent of the surface area of the intended spray field is covered by sustainable perennial plant life such as grasses and trees.

d. Monitoring Requirements

Ammonia Nitrogen, Biochemical Oxygen Demand (5-day), Total Suspended Solids, *Escherichia Coli*, pH, and Dissolved Oxygen shall be monitored once per quarter by grab sample.

e. Justification of Limits

The Kentucky Administrative Regulations (KARs) cited below have been duly promulgated pursuant to the requirements of Chapter 224 of the Kentucky Revised Statutes (KRSs).

Flow

The monitoring requirement for this parameter is consistent with the requirements of 401 KAR 5:065, Section 2(8).

8. METHODOLOGY USED IN DETERMINING LIMITATIONS - continued

e. Justification of Limits

BOD₅ and Total Suspended Solids

The limits for these parameters are consistent with the requirements of 401 KAR 5:005, Sections 21 and 22, 401 KAR 5:045, Sections 2 and 3, and 401 KAR 5:065, Section 3(8). Sections 21 and 22 of 401 KAR 5:005 require that wastewater treatment plants serving an individual home residence must meet secondary treatment standards as specified in 401 KAR 5:045. Section 3(8) of 401 KAR 5:065 authorizes the establishment of internal monitoring points to ensure compliance with applicable treatment requirements.

Ammonia Nitrogen, and Dissolved Oxygen

The limits for this parameter are consistent with the requirements of 401 KAR 5:031, Section 4 and 5:045, Sections 2 and 3. Section 4 of 5:031 establishes water quality criteria for the protection of Kentucky's waters. Sections 2 and 3 of 5:045 require biochemically degradable wastewaters to receive secondary treatment.

pH

The limits for these parameters are consistent with the requirements of 401 KAR 5:031, Section 4 and 5:045, Section 4. Section 4 of 5:031 establishes water quality criteria for the protection of Kentucky's waters. Section 4 of 5:045 establishes the acceptable levels of these parameters for biochemically degradable wastewaters.

Escherichia Coli

The limits for *Escherichia Coli* are consistent with the requirements of 401 KAR 5:031, Section 7. Section 7 establishes the primary and secondary contact recreational waters criteria. EPA recommends *Escherichia Coli*, which is specific to fecal material from warm-blooded animals, as the best indicator of health risk from contact with recreational waters.

9. REPORTED DISCHARGE AND PROPOSED LIMITS

Description of Discharge - Treated sanitary wastewater from individual family residences disposing of the effluent by way of a Type B spray irrigation system.

| Effluent Characteristics | Reported Discharge | | Proposed Limits | | Applicable Water Quality Criteria and/or Effluent Guidelines |
|---|--------------------|---------------|-------------------|---------------|---|
| | Monthly Average | Daily Maximum | Monthly Average | Daily Maximum | |
| Flow (MGD) | Variable | Variable | Report | Report | 401 KAR 5:065, Section 2(8) |
| BOD ₅ (mg/l) | Variable | Variable | 30 | 45 | 401 KAR 5:005, Sections 21 & 22 401 KAR 5:045, Sections 2 and 3 401 KAR 5:065, Section 3(8) |
| Total Suspended Solids (mg/l) | Variable | Variable | 30 | 45 | 401 KAR 5:005, Sections 21 & 22 401 KAR 5:045, Sections 2 and 3 401 KAR 5:065, Section 3(8) |
| <i>Escherichia Coli</i> (N/100 ml) | Variable | Variable | 130 | 240 | 401 KAR 5:005, Sections 21 & 22 401 KAR 5:045, Section 4 401 KAR 5:065, Section 3(8) 401 KAR 5:080, Section 1(2)(c)2 |
| Ammonia Nitrogen (as mg/l N) May 1 - October 31 November 1 - April 30 | Variable | Variable | 20 | 30 | 401 KAR 5:005, Sections 21 & 22 401 KAR 5:045, Section 3 401 KAR 5:065, Section 3(8) |
| | Variable | Variable | 20 | 30 | 401 KAR 5:005, Sections 21 & 22 401 KAR 5:045, Section 3 401 KAR 5:065, Section 3(8) |
| | Variable | Variable | Not less than 2.0 | | 401 KAR 5:005, Sections 21 & 22 401 KAR 5:045, Section 3 401 KAR 5:065, Section 3(8) |
| Dissolved Oxygen (mg/l) (minimum) | Variable | Variable | 6.0 (min) | 9.0 (max) | 401 KAR 5:005, Sections 21 & 22 401 KAR 5:045, Section 4 401 KAR 5:065, Section 3(8) |
| pH (standard units) | Variable | Variable | 6.0 (min) | 9.0 (max) | 401 KAR 5:005, Sections 21 & 22 401 KAR 5:045, Section 4 401 KAR 5:065, Section 3(8) |

Type B spray irrigation systems see Section 10c Pertinent Factors.
 The abbreviation BOD₅ means Biochemical Oxygen Demand (5-day).
 The effluent limitations for BOD₅ and Total Suspended Solids are Monthly Averages and Weekly Averages.
 The effluent limitations for *Escherichia Coli* are 30 day and 7 day Geometric Means.

10. METHODOLOGY USED IN DETERMINING LIMITATIONS

a. Serial Number

Treated sanitary wastewater from individual family residences disposing of the effluent by way of a Type B spray irrigation system.

b. Effluent Characteristics

Flow, Biochemical Oxygen Demand (5-day), Total Suspended Solids, *Escherichia Coli*, pH, Ammonia Nitrogen, and Dissolved Oxygen.

c. Pertinent Factors

Type B spray irrigation system is defined as a spray irrigation system which has a wastewater treatment system consisting of an extended aeration, filtration, and disinfection, and a spray field with a minimum spray area greater than 0.38 acres, a slope of greater than six (6) percent but less than ten (10) percent, a minimum of 24 inches of soil with a high soil permeability or saturated hydraulic conductivity, and sufficient vegetative growth to promote absorption, evaporation, and transpiration.

The regulations governing Kentucky on-site sewage disposal systems, i.e. septic tanks, 902 KAR 10:085 requires a minimum of 42 inches of suitable soils.

High soil permeability or saturated hydraulic conductivity means a soil with an infiltration rate greater than 6 inches per hour (in/hr) or greater 100 micrometers/second ($\mu\text{m/s}$). Permeability and saturated hydraulic conductivity rates were taken from the United States Department of Agriculture, Natural Resources Conservation Service Soils Website.

Sufficient vegetative growth means that, at a minimum, 95 percent of the surface area of the intended spray field is covered by sustainable perennial plant life such as grasses and trees.

d. Monitoring Requirements

Ammonia Nitrogen, Biochemical Oxygen Demand (5-day), Total Suspended Solids, *Escherichia Coli*, pH, and Dissolved Oxygen shall be monitored once per quarter by grab sample.

e. Justification of Limits

The Kentucky Administrative Regulations (KARs) cited below have been duly promulgated pursuant to the requirements of Chapter 224 of the Kentucky Revised Statutes (KRSs).

Flow

The monitoring requirement for this parameter is consistent with the requirements of 401 KAR 5:065, Section 2(8).

10. METHODOLOGY USED IN DETERMINING LIMITATIONS - continued

e. Justification of Limits

BOD₅ and Total Suspended Solids

The limits for these parameters are consistent with the requirements of 401 KAR 5:005, Sections 21 and 22, 401 KAR 5:045, Sections 2 and 3, and 401 KAR 5:065, Section 3(8). Sections 21 and 22 of 401 KAR 5:005 require that wastewater treatment plants serving an individual home residence must meet secondary treatment standards as specified in 401 KAR 5:045. Section 3(8) of 401 KAR 5:065 authorizes the establishment of internal monitoring points to ensure compliance with applicable treatment requirements.

Ammonia Nitrogen, and Dissolved Oxygen

The limits for this parameter are consistent with the requirements of 401 KAR 5:031, Section 4 and 5:045, Sections 2 and 3. Section 4 of 5:031 establishes water quality criteria for the protection of Kentucky's waters. Sections 2 and 3 of 5:045 require biochemically degradable wastewaters to receive secondary treatment.

pH

The limits for these parameters are consistent with the requirements of 401 KAR 5:031, Section 4 and 5:045, Section 4. Section 4 of 5:031 establishes water quality criteria for the protection of Kentucky's waters. Section 4 of 5:045 establishes the acceptable levels of these parameters for biochemically degradable wastewaters.

Escherichia Coli

The limits for *Escherichia Coli* are consistent with the requirements of 401 KAR 5:031, Section 7. Section 7 establishes the primary and secondary contact recreational waters criteria. EPA recommends *Escherichia Coli*, which is specific to fecal material from warm-blooded animals, as the best indicator of health risk from contact with recreational waters.

11. ANTIDEGRADATION

The conditions of 401 KAR 5:029, Section 1 have been satisfied by this permit action. This general permit will meet the requirements of intergovernmental coordination in the Cabinet's public participation process. The Cabinet finds that the lowering of water quality in the receiving streams accommodates important economic and social development in the area in which these waters are located. This finding is based on the information submitted by the permittee in the Notice of Intent (NOI) form which documents the joint evaluation by the resident and the local Health Department of alternative disposal options (alternatives analysis). Additionally as stated in the February 25, 2005 response letter to EPA's November 4, 2004 comments on Kentucky's Antidegradation Policy Implementation Methodology, although individually individual family residences may not have an important socioeconomic impact however collectively a broader socioeconomic impact would occur from the decline in property values and erosion of tax bases resulting from the inability for sanitary wastewater disposal. Further review under 401 KAR 5:030 Section 1 is not applicable.

12. **PROPOSED COMPLIANCE SCHEDULE FOR ATTAINING EFFLUENT LIMITATIONS**

Permittee shall comply with the effluent limitations by the effective date of the permit with the following exceptions.

13. **PROPOSED SPECIAL CONDITIONS WHICH WILL HAVE A SIGNIFICANT IMPACT ON THE DISCHARGE**

Alternative Analysis

On April 12, 2005 the Environmental Protection Agency (EPA) approved Kentucky's Antidegradation policy implementation methodology regulation (401 KAR 5:030) with accompanying clarification letters dated August 10, 2004, February 25, 2005 and April 11, 2005. In answering EPA's questions regarding these types of discharges the Environmental and Public Protection Cabinet (EPPC) indicated that it takes a conservative view toward authorizing discharges from a individual family residence. Before the EPPC will consider issuing a permit all other options, including connection to a large sewer system or the use of an onsite system, must be exhausted. Additionally, Kentucky Revised Statute (KRS) 211.350 requires the Department for Public Health to maintain a current list of approved experimental on-site wastewater treatment technologies and make it available with guidance and expertise to local health departments which in turn will provide it to on-site wastewater professionals and permit applicants. In accordance with these requirements the applicant must provide documentation that all other options to a surface discharge have been exhausted. To assist the applicant in providing this documentation the Notice of Intent (NOI-IFR) has been modified to include a section listing a number of known alternatives. Completion of this section will require the assistance of the local health department representative who, in accordance with KRS 211.350, will provide assistance, guidance, and expertise to the permit applicant. Failure to adequately complete this section will result in the return of the NOI-IFR to the applicant and denial of the construction permit and general permit coverage.

Certified Operator

Pursuant to the requirements of 401 KAR 5:010, Section 2 General Provisions each wastewater system shall be operated under the supervision of an individual holding a Kentucky operators certificate. The operation of a wastewater treatment plant eligible for coverage under this general permit requires at a minimum a Class I Certified Operator. The education and experience qualifications for a Class I Certified Operator are (1) completion of high school or general education development (GED) efficiency and (2) one (1) of acceptable operation of a Class I wastewater treatment system. Compliance with this requirement may be achieved by (1) the home owner becoming a Class I Certified Operator, (2) the homeowner contracting a Class I Certified Operator to operate the plant, or (3) the home owner operating the wastewater plant under the supervision of the Class I Certified Operator. Written proof of compliance with this requirement shall be provided by either indicating on the NOI-IFR the option chosen if known at the time of submission or by written certification to the Division of Water, KPDES Branch within 90 days of the issuance of general permit coverage. Operation of the wastewater treatment plant without the supervision of a certified operator is prohibited and will result in the termination of coverage under this general permit.

3. **PROPOSED SPECIAL CONDITIONS WHICH WILL HAVE A SIGNIFICANT IMPACT ON THE DISCHARGE**

Construction Permits

A construction permit is required for the installation of the wastewater treatment plant for either discharge to surface waters or for a spray irrigation system. The construction permit application, including supporting information and permit fee shall be submitted with the NOI-IFR for general permit coverage. No construction permit shall be issued if the applicant can not qualify for general permit coverage including submitting a deficient NOI. Section 8 System Setback Restrictions of 902 KAR 10:085 Kentucky on-site sewage disposal systems specifies the minimum distances from structural or topographic features and the on-site sewage disposal system. In the opinion of the Division of Water the installation of an on-site sewage disposal system and the wastewater treatment systems authorized by this permit are sufficiently similar as to warrant the application of the setbacks listed in Table 7 of Section 8. Therefore pursuant to 401 KAR 5:080, Section 1(2)(c)2 it is the Best Professional Judgment "BPJ" of the Division of Water that these setbacks in addition to the requirements of 401 KAR 5:005, Section 21 apply.

Connection to a Comprehensive Sewer System

The treatment units authorized by this general permit are temporary and in no way supersede the need of a comprehensive sewer system. The permittee will eliminate the system and will connect to a comprehensive sewer system when it becomes available as defined in 401 KAR 5:002 provided such system can adequately treat the wastes.

Eligibility of Unpermitted Individual Home Residences

Individual home residences which did not obtain the requisite construction permit may become eligible for coverage under this general permit only after the execution of an Administrative Agreed Order by the Cabinet and demonstrated compliance with the conditions of that order by the home owner.

Extension of General Permit Coverage

Individual home residences currently covered under the expired general permit shall have their coverage extended upon the effective date of the general permit. Such facilities will be subject to the effluent requirements applied to a Type B receiving stream and all other conditions of the general permit.

Kentucky No Discharge Operational Permits (KNDOP)

Individual home residences currently holding a KNDOP shall file an NOI-IFR for coverage under this general permit within ninety (90) days of the issuance date of the general permit. KNDOPs' shall no longer be issued or reissued to individual home residences utilizing spray irrigation as final disposal.

13. **PROPOSED SPECIAL CONDITIONS WHICH WILL HAVE A SIGNIFICANT IMPACT ON THE DISCHARGE**

Maintenance Contract

Pursuant to the requirements of 401 KAR 5:065, Section 1(5) "the permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the permittee to achieve compliance with the conditions of this permit". In order to ensure that the treatment works are properly maintained and operated the home owner must obtain a maintenance contract prior to issuance of general permit coverage. In lieu of obtaining a maintenance contract the home owner may choose to submit an Operation and Maintenance Plan (O&M Plan) for consideration if the home owner becomes the Certified Operator for the plant. Failure to obtain a maintenance contract or submit an O&M Plan shall result in the denial of general permit coverage.

Termination of the maintenance contract by either party without good reason or failure to implement the O&M Plan shall result in the revocation of general permit coverage. Should the home owner desire to terminate the maintenance contract then the home owner shall thirty (30) days prior to the termination provide the Division of Water with documentation of a new maintenance contract. Failure to submit such documentation shall result in the termination of coverage. The operator may terminate the maintenance contract only after notifying the Division of Water and the home owner thirty (30) days in advance of the termination. Failure of the operator to comply with this requirement may result in disciplinary action in accordance with 401 KAR 5:010, Section 7.

Prohibition of Disposal of Non-Domestic Wastes

The permittee is prohibited from disposing of hazardous or toxic chemicals or compounds in the wastewater treatment system. This prohibition includes but is not limited to: acids, caustics, herbicides, household chemicals or cleansers, insecticides, lawn chemicals, non-biodegradable products, paints, pesticides, pharmaceuticals, petroleum based products, etc. This requirement is consistent with the requirements of 401 KAR 5:065, Section 1(5) and 401 KAR 5:080, Section 1(c)(2)c.

Spray Irrigation Systems

No permit shall be issued for a spray irrigation system unless it meets the following criteria. These conditions are consistent with the requirements of 401 KAR 5:005.

Type A Spray Irrigation System

- (1) a wastewater treatment system consisting of an extended aeration, filtration, and disinfection
- (2) a spray field with a minimum spray area greater than 0.19 acres
- (3) a slope of less than six (6) percent
- (4) a minimum of 12 inches of soil with an infiltration rate between 0.6 and 6.0 inches/hour (in/hr) or 10 and 100 micrometers/second ($\mu\text{m/s}$)
- (5) 95 percent of the surface area of the intended spray field is covered by sustainable perennial plant life such as grasses and trees

13. PROPOSED SPECIAL CONDITIONS WHICH WILL HAVE A SIGNIFICANT IMPACT ON THE DISCHARGE

Spray Irrigation Systems

Type B Spray Irrigation System

- (1) a wastewater treatment system consisting of an extended aeration, filtration, and disinfection
- (2) a spray field with a minimum spray area greater than 0.38 acres
- (3) a slope of greater than six (6) percent but less than ten (10) percent
- (4) a minimum of 24 inches of soil with an infiltration rate greater than 6 inches per hour (in/hr) or greater 100 micrometers/second ($\mu\text{m/s}$)
- (5) 95 percent of the surface area of the intended spray field is covered by sustainable perennial plant life such as grasses and trees

If the site does not meet the specified criteria above the applicant may choose to make modifications in order for the site to be acceptable, however these modifications must be made prior to the issuance of the any permit.

Termination of Coverage

Coverage under this general permit shall be terminated for any of the following reasons:

- (1) The wastewater treatment system fails to meet the required effluent limitations
- (2) The wastewater treatment system is not properly operated and maintained
- (3) There is no maintenance contract between the home owner and operator
- (4) The permittee fails to submit the required Discharge Monitoring Reports (DMRs) on time and complete
- (5) The wastewater treatment system was not installed per the construction permit and approved plans and specifications
- (6) There is no Certified Operator for the system
- (7) A NOI-IFR has not been filed for the renewal of coverage
- (8) A comprehensive sewer system has become available

14. **PERMIT DURATION**

Five (5) years.

15. **PERMIT INFORMATION**

The application, draft permit fact sheet, public notice, comments received, and additional information is available by writing the Division of Water at 14 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601.

16. **REFERENCES AND CITED DOCUMENTS**

All material and documents referenced or cited in this fact sheet are a part of the permit information as described above and are readily available at the Division of Water Central Office. Information regarding these materials may be obtained from the person listed below.

17. **CONTACT**

For further information contact the individual identified on the Public Notice or the Permit Writer - Larry Sowder at (502) 564-8158, extension 472 or e-mail Larry.Sowder@mail.state.ky.us.

18. **PUBLIC NOTICE INFORMATION**

Please refer to the attached Public Notice for details regarding the procedures for a final permit decision, deadline for comments, and other information required by 401 KAR 5:075, Section 4(2)(e).

KPDES



KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM

PERMIT

PERMIT NO.: KYG400000
AI NO.: 35050

AUTHORIZATION TO DISCHARGE UNDER THE KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM

Pursuant to Authority in KRS 224,

Those individual family residences which are within the Commonwealth of Kentucky and which are served by 1,000 gallon per day or less design capacity individual wastewater treatment plants.

is authorized to discharge from a facility located at

Those individual family residences located within the physical and political boundaries of the Commonwealth of Kentucky.

to receiving waters named

Those water bodies of the Commonwealth that comprise the Mississippi and Ohio River basins and sub-basins within the political and geographic boundaries of Kentucky.

in accordance with effluent limitations, monitoring requirements, and other conditions set forth in PARTS I, II, and III hereof. The permit consists of this cover sheet, and PART I 9 pages, PART II 6 page, and PART III 3 pages.

This permit shall become effective on January 1, 2008

This permit and the authorization to discharge shall expire at midnight,
December 31, 2012

A handwritten signature in black ink, appearing to read 'S. Gruzesky', written over a horizontal line.

November 30, 2007
Date Signed

Sandra L. Gruzesky, Acting Director
Division of Water

Cheryl A. Taylor
Commissioner

A1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this permit and lasting through the term of this permit, the permittee is authorized to discharge from Outfall serial number: Treated sanitary wastewater from individual family residences discharging to Type A receiving streams.

Such discharges shall be limited and monitored by the permittee as specified below:

| EFFLUENT CHARACTERISTICS | DISCHARGE LIMITATIONS | | | MONITORING REQUIREMENTS | |
|------------------------------------|------------------------------|---------------|--|-------------------------|--------------------------------------|
| | (lbs/day) Monthly Avg. | Daily Max. | Other Units (Specify) Monthly Avg. | Daily Max. | Measurement Frequency Sample Type |
| Flow (MGD) | Report | Report | N/A | N/A | 1/Quarter Instantaneous |
| CBOD ₅ (mg/l) | N/A | N/A | 10 | 15 | 1/Quarter Grab |
| Total Suspended Solids (mg/l) | N/A | N/A | 30 | 45 | 1/Quarter Grab |
| Ammonia Nitrogen (as mg/l N) | | | | | |
| May 1 - October 31 | N/A | N/A | 2.0 | 3.0 | 1/Quarter Grab |
| November 1 - April 30 | N/A | N/A | 5.0 | 7.5 | 1/Quarter Grab |
| <i>Escherichia Coli</i> (N/100 ml) | N/A | N/A | 130 | 240 | 1/Quarter Grab |
| Dissolved Oxygen (mg/l) (minimum) | N/A | N/A | Not less than 7.0 | | 1/Quarter Grab |
| Total Residual Chlorine, (mg/l) | N/A | N/A | 0.011 | 0.019 | 1/Quarter Grab |

The pH of the effluent shall not be less than 6.0 standard units or greater than 9.0 standard units and shall be monitored 1/Quarter by grab sample.

There shall be no discharge of floating solids or visible foam or sheen in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: nearest accessible point prior to discharge to or mixing with the receiving waters or wastestreams from other outfalls.

Type A receiving streams are defined as those water bodies which the Division of Water has determined to have a 7 day, 10 year (7Q10) low flow conditions of 0.05 cfs or less.
The abbreviation N/A means Not Applicable.
The abbreviation CBOD₅ means Carbonaceous Biochemical Oxygen Demand (5-day).
The effluent limitations for CBOD₅ and Total Suspended Solids are Monthly Averages and Weekly Averages.
The effluent limitations for *Escherichia Coli* are 30 day and 7 day Geometric Means.

A2. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this permit and lasting through the term of this permit, the permittee is authorized to discharge from Outfall serial number: Treated sanitary wastewater from individual family residences discharging to Type B receiving streams.

Such discharges shall be limited and monitored by the permittee as specified below:

| EFFLUENT CHARACTERISTICS | DISCHARGE LIMITATIONS | | | MONITORING REQUIREMENTS | |
|------------------------------------|------------------------------|---------------|--|-------------------------|--------------------------------------|
| | (lbs/day) Monthly Avg. | Daily Max. | Other Units (Specify) Monthly Avg. | Daily Max. | Measurement Frequency Sample Type |
| Flow (MGD) | Report | Report | N/A | N/A | 1/Quarter Instantaneous |
| BOD ₅ (mg/l) | N/A | N/A | 30 | 45 | 1/Quarter Grab |
| Total Suspended Solids (mg/l) | N/A | N/A | 30 | 45 | 1/Quarter Grab |
| Ammonia Nitrogen (as mg/l N) | | | | | |
| May 1 - October 31 | N/A | N/A | 20 | 30 | 1/Quarter Grab |
| November 1 - April 30 | N/A | N/A | 20 | 30 | 1/Quarter Grab |
| <i>Escherichia Coli</i> (N/100 ml) | N/A | N/A | 130 | 240 | 1/Quarter Grab |
| Dissolved Oxygen (mg/l) (minimum) | N/A | N/A | Not less than 2.0 | | 1/Quarter Grab |
| Total Residual Chlorine, (mg/l) | N/A | N/A | 0.011 | 0.019 | 1/Quarter Grab |

The pH of the effluent shall not be less than 6.0 standard units or greater than 9.0 standard units and shall be monitored 1/Quarter by grab sample.

There shall be no discharge of floating solids or visible foam or sheen in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: nearest accessible point prior to discharge to or mixing with the receiving waters or wastestreams from other outfalls.

Type B receiving streams are defined as those water bodies which the Division of Water has determined to have a 7 day, 10 year (7Q10) low flow conditions of greater than 0.05 cfs.
The abbreviation N/A means Not Applicable.
The abbreviation BOD₅ means Biochemical Oxygen Demand (5-day) .
The effluent limitations for BOD₅ and Total Suspended Solids are Monthly Averages and Weekly Averages.
The effluent limitations for *Escherichia Coli* are 30 day and 7 day Geometric Means.

A3. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this permit and lasting through the term of this permit, the permittee is authorized to discharge from Outfall serial number: Treated sanitary wastewater from individual family residences disposing of the effluent by way of a Type A spray irrigation system.

Such discharges shall be limited and monitored by the permittee as specified below:

| EFFLUENT CHARACTERISTICS | DISCHARGE LIMITATIONS | | | | MONITORING REQUIREMENTS | |
|------------------------------------|------------------------------|---------------|---|---------------|--------------------------|----------------|
| | (lbs/day) Monthly Avg. | Daily Max. | Other Units (Specify) Monthly Avg. | Daily Max. | Measurement Frequency | Sample Type |
| Flow (MGD) | | Report | | N/A | | Instantaneous |
| BOD ₅ (mg/l) | N/A | N/A | 30 | 45 | 1/Quarter | Grab |
| Total Suspended Solids (mg/l) | N/A | N/A | 30 | 45 | 1/Quarter | Grab |
| Ammonia Nitrogen (as mg/l N) | | | | | | |
| May 1 - October 31 | N/A | N/A | 20 | 30 | 1/Quarter | Grab |
| November 1 - April 30 | N/A | N/A | 20 | 30 | 1/Quarter | Grab |
| <i>Escherichia Coli</i> (N/100 ml) | N/A | N/A | 130 | 240 | 1/Quarter | Grab |
| Dissolved Oxygen (mg/l) (minimum) | N/A | N/A | Not less than 2.0 | | 1/Quarter | Grab |

The pH of the effluent shall not be less than 6.0 standard units or greater than 9.0 standard units and shall be monitored 1/Quarter by grab sample.

There shall be no discharge of floating solids or visible foam or sheen in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: nearest accessible point prior to discharge to the spray field.

The abbreviation N/A means Not Applicable.

The abbreviation BOD₅ means Biochemical Oxygen Demand (5-day).

The effluent limitations for BOD₅ and Total Suspended Solids are Monthly Averages and Weekly Averages.

The effluent limitations for *Escherichia Coli* are 30 day and 7 day Geometric Means.

A4. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this permit and lasting through the term of this permit, the permittee is authorized to discharge from Outfall serial number: Treated sanitary wastewater from individual family residences disposing of the effluent by way of a Type B spray irrigation system.

Such discharges shall be limited and monitored by the permittee as specified below:

| EFFLUENT CHARACTERISTICS | DISCHARGE LIMITATIONS | | | | MONITORING REQUIREMENTS | |
|------------------------------------|------------------------------|---------------|--|---------------|--------------------------|----------------|
| | (lbs/day) Monthly Avg. | Daily Max. | Other Units (Specify) Monthly Avg. | Daily Max. | Measurement Frequency | Sample Type |
| Flow (MGD) | | Report | | N/A | | Instantaneous |
| BOD ₅ (mg/l) | N/A | N/A | 30 | 45 | 1/Quarter | Grab |
| Total Suspended Solids (mg/l) | N/A | N/A | 30 | 45 | 1/Quarter | Grab |
| Ammonia Nitrogen (as mg/l N) | | | | | | |
| May 1 - October 31 | N/A | N/A | 20 | 30 | 1/Quarter | Grab |
| November 1 - April 30 | N/A | N/A | 20 | 30 | 1/Quarter | Grab |
| <i>Escherichia Coli</i> (N/100 ml) | N/A | N/A | 130 | 240 | 1/Quarter | Grab |
| Dissolved Oxygen (mg/l) (minimum) | N/A | N/A | Not less than 2.0 | | 1/Quarter | Grab |

The pH of the effluent shall not be less than 6.0 standard units or greater than 9.0 standard units and shall be monitored 1/Quarter by grab sample.

There shall be no discharge of floating solids or visible foam or sheen in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: nearest accessible point prior to discharge to the spray field.

The abbreviation N/A means Not Applicable.

The abbreviation BOD₅ means Biochemical Oxygen Demand (5-day).

The effluent limitations for BOD₅ and Total Suspended Solids are Monthly Averages and Weekly Averages.

The effluent limitations for *Escherichia Coli* are 30 day and 7 day Geometric Means.

B. OTHER REQUIREMENTS

1. Alternative Analysis

The applicant must provide documentation that all other options to a surface discharge have been exhausted. To assist the applicant in providing this documentation the Notice of Intent (NOI-IFR) has been modified to include a section listing a number of known alternatives. Completion of this section will require the assistance of the local health department representative who, in accordance with KRS 211.350, will provide assistance, guidance, and expertise to the permit applicant. Failure to adequately complete this section will result in the return of the NOI-IFR to the applicant and denial of the construction permit and general permit coverage.

2. Authorization to Discharge

The permittee is authorized to discharge under the terms of the general permit upon receipt of written notification by the DOW.

3. Certified Operator

The operation of a wastewater treatment plant eligible for coverage under this general permit requires at a minimum a Class I Certified Operator. The education and experience qualifications for a Class I Certified Operator are (1) completion of high school or general education development (GED) efficiency and (2) one (1) of acceptable operation of a Class I wastewater treatment system. Compliance with this requirement may be achieved by (1) the home owner becoming a Class I Certified Operator, (2) the homeowner contracting a Class I Certified Operator to operate the plant, or (3) the home owner operating the wastewater plant under the supervision of the Class I Certified Operator. Written proof of compliance with this requirement shall be provided by either indicating on the NOI-IFR the option chosen if known at the time of submission or by written certification to the Division of Water, KPDES Branch within 90 days of the issuance of general permit coverage. Operation of the wastewater treatment plant without the supervision of a certified operator is prohibited and will result in the termination of coverage under this general permit.

4. Construction Permits

A construction permit is required for the installation of the wastewater treatment plant for either discharge to surface waters or for a spray irrigation system. The construction permit application, including supporting information and permit fee shall be submitted with the NOI-IFR for general permit coverage. No construction permit shall be issued if the applicant can not qualify for general permit coverage including submitting a deficient NOI. The setback requirements of 902 KAR 10:085, Section 8 apply to the wastewater treatment plants authorized by this permit.

5. Connection to a Comprehensive Sewer System

The treatment units authorized by this general permit are temporary and in no way supersede the need of a comprehensive sewer system. The permittee will eliminate the system and will connect to a comprehensive sewer system when it becomes available as defined in 401 KAR 5:002 provided such system can adequately treat the wastes.

B. OTHER REQUIREMENTS - continued

6. Eligibility of Unpermitted Individual Home Residences

Individual home residences which did not obtain the requisite construction permit may become eligible for coverage under this general permit only after the execution of an Administrative Agreed Order by the Cabinet and demonstrated compliance with the conditions of that order by the home owner.

7. Extension of General Permit Coverage

Individual home residences currently covered under the expired general permit shall have their coverage extended upon the effective date of the general permit. Such facilities will be subject to the effluent requirements applied to a Type B receiving stream and all other conditions of the general permit.

8. Kentucky No Discharge Operational Permits (KNDOP)

Individual home residences currently holding a KNDOP shall file an NOI-IFR for coverage under this general permit within ninety (90) days of the issuance date of the general permit. KNDOPs' shall no longer be issued or reissued to individual home residences utilizing spray irrigation as final disposal.

9. Maintenance Contract

In order to ensure that the treatment works are properly maintained and operated the home owner must obtain a maintenance contract prior to issuance of general permit coverage. In lieu of obtaining a maintenance contract the home owner may choose to submit an Operation and Maintenance Plan (O&M Plan) for consideration if the home owner becomes the Certified Operator for the plant. Failure to obtain a maintenance contract or submit an O&M Plan shall result in the denial of general permit coverage.

Termination of the maintenance contract by either party without good reason or failure to implement the O&M Plan shall result in the revocation of general permit coverage. Should the home owner desire to terminate the maintenance contract then the home owner shall thirty (30) days prior to the termination provide the Division of Water with documentation of a new maintenance contract. Failure to submit such documentation shall result in the termination of coverage. The operator may terminate the maintenance contract only after notifying the Division of Water and the home owner thirty (30) days in advance of the termination. Failure of the operator to comply with this requirement may result in disciplinary action in accordance with 401 KAR 5:010, Section 7.

10. Prohibition of Disposal of Non-Domestic Wastes

The permittee is prohibited from disposing of hazardous or toxic chemicals or compounds in the wastewater treatment system. This prohibition includes but is not limited to: acids, caustics, herbicides, household chemicals or cleansers, insecticides, lawn chemicals, non-biodegradable products, paints, pesticides, pharmaceuticals, petroleum based products, etc.

B. OTHER REQUIREMENTS - continued

11. Spray Irrigation Systems

No permit shall be issued for a spray irrigation system unless it meets the following criteria.

Type A Spray Irrigation System

- (1) a wastewater treatment system consisting of an extended aeration, filtration, and disinfection
- (2) a spray field with a minimum spray area greater than 0.19 acres
- (3) a slope of less than six (6) percent
- (4) a minimum of 12 inches of soil with an infiltration rate between 0.6 and 6.0 inches/hour (in/hr) or 10 and 100 micrometers/second ($\mu\text{m/s}$)
- (5) 95 percent of the surface area of the intended spray field is covered by sustainable perennial plant life such as grasses and trees

Type B Spray Irrigation System

- (1) a wastewater treatment system consisting of an extended aeration, filtration, and disinfection
- (2) a spray field with a minimum spray area greater than 0.38 acres
- (3) a slope of greater than six (6) percent but less than ten (10) percent
- (4) a minimum of 24 inches of soil with an infiltration rate greater than 6 inches per hour (in/hr) or greater 100 micrometers/second ($\mu\text{m/s}$)
- (5) 95 percent of the surface area of the intended spray field is covered by sustainable perennial plant life such as grasses and trees

If the site does not meet the specified criteria above the applicant may choose to make modifications in order for the site to be acceptable, however these modifications must be made prior to the issuance of the any permit.

12. Termination of Coverage

Coverage under this general permit shall be terminated for any of the following reasons:

- (1) The wastewater treatment system fails to meet the required effluent limitations
- (2) The wastewater treatment system is not properly operated and maintained
- (3) There is no maintenance contract between the home owner and operator
- (4) The permittee fails to submit the required Discharge Monitoring Reports (DMRs) on time and complete
- (5) The wastewater treatment system was not installed per the construction permit and approved plans and specifications
- (6) There is no Certified Operator for the system
- (7) A NOI-IFR has not been filed for the renewal of coverage
- (8) A comprehensive sewer system has become available

C. SCHEDULE OF COMPLIANCE

The permittee shall attain compliance with the effluent limitations as delineated in PART I, A., on the effective date of this permit.

D. MONITORING AND REPORTING

1. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.
2. Monitoring results obtained during each monitoring period must be reported on a preprinted Discharge Monitoring Report (DMR) Form that will be mailed to you. The completed DMR for each monitoring period must be sent to the Division of Water at the address listed below (with a copy to the appropriate Regional Office) postmarked no later than the 28th day of the month following the monitoring period for which monitoring results were obtained.

Environmental & Public Protection Cabinet
Dept. for Environmental Protection
Division of Water/KPDES Branch
14 Reilly Road, Frankfort Office Park
ATTN: Supervisor Frankfort, Kentucky 40601

The Division of Water Regional Offices and their addresses are listed on the following page.

E. REOPENER CLAUSE

1. This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Kentucky Revised Statutes Chapter 224, if the effluent standard or limitation so issued or approved:
 - (a) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
 - (b) controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 then applicable.

2. This permit may be modified when the cumulative effects on the environment are unacceptable, pursuant to 401 KAR 5:070, Section 6(1)(b).

| | |
|--|--|
| <p><u>Bowling Green Regional Office</u> #002 1508 Westen Avenue Bowling Green, KY 42104-3356 (270) 746-7475 FAX: (270)-746-7865 Attn: William Baker</p> <p>Allen Grayson Simpson Barren Hart Warren Butler Logan Edmonson Ohio</p> | <p><u>London Regional Office</u> #007 875 South Main Street London, KY 40741-9008 (606) 330-2080 FAX: (606) 330-2097 Attn: Kimberly Farris</p> <p>Bell Knox Owsley Clay Laurel Rockcastle Harlan Leslie Whitley Jackson McCreary</p> |
| <p><u>Columbia Regional Office</u> #003 102 Burkesville Street Columbia, KY 42728-1408 (270) 384-4734 FAX: (270) 384-5199 Attn: Sara Sproles</p> <p>Adair LaRue Pulaski Boyle Lincoln Russell Casey Marion Taylor Clinton Metcalfe Washington Cumberland Monroe Wayne Green Nelson</p> | <p><u>Louisville Regional Office</u> #009 9116 Leesgate Road Louisville, KY 40222-5084 (502) 429-7122 FAX: (502) 429-7125 Attn: Supervisor</p> <p>Breckinridge Meade Bullitt Oldham Hardin Shelby Jefferson Spencer</p> |
| <p><u>Florence Regional Office</u> #005 8020 Veterans Memorial Drive, Suite 110 Florence, KY 41042 (859) 525-4923 FAX: (859) 525-4157 Attn: Todd Giles</p> <p>Boone Gallatin Owen Bracken Grant Pendleton Campbell Henry Trimble Carroll Kenton</p> | <p><u>Madisonville Regional Office</u> #011 State Office Building, 4th Floor 625 Hospital Drive Madisonville, KY 42431-1683 (270) 824-7529 FAX: (270) 824-7070 Attn: Ed Carroll</p> <p>Caldwell Hancock Muhlenberg Christian Henderson Todd Crittenden Hopkins Union Daviess McLean Webster</p> |
| <p><u>Frankfort Regional Office</u> 663 Teton Trail Frankfort, KY 40601-1758 (502) 564-3358 FAX: (502) 564-5043 Attn: Massoud Shoa</p> <p>Anderson Franklin Mercer Scott Bourbon Garrard Montgomery Woodford Clark Harrison Nicholas Estill Jessamine Powell Fayette Madison Robertson</p> | <p><u>Morehead Regional Office</u> #013 525 Hecks Plaza Drive Morehead, KY 40351 (606)-784-6635 FAX: (606) 784-4544 Attn: Danny Fraley</p> <p>Bath Fleming Mason Boyd Greenup Menifee Carter Lawrence Morgan Elliot Lewis Rowan</p> |
| <p><u>Hazard Regional Office</u> #006 233 Birch Street Hazard, KY 41701-2179 (606)-435-6022 FAX: (606) 435-6025 Attn: Roger Martin</p> <p>Breathitt Knott Magoffin Pike Floyd Lee Martin Wolfe Johnson Letcher Perry</p> | <p><u>Paducah Regional Office</u> #015 130 Eagle Nest Drive Paducah, KY 42003-9435 (270)-898-8468 FAX: (270) 898-8640 Attn: Gaye Brewer</p> <p>Ballard Fulton Livingston McCracken Calloway Graves Lyon Trigg Carlisle Hickman Marshall</p> |

STANDARD CONDITIONS FOR KPDES PERMIT

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies.

It is the responsibility of the permittee to demonstrate compliance with permit parameter limitations by utilization of sufficiently sensitive analytical methods.

The following KPDES permit conditions apply to all discharges authorized by this permit pursuant to 401 KAR 5:065, Section 1.

(1) Duty to comply.

(a) General requirement.

The permittee shall comply with all conditions of this permit. Any permit noncompliance shall constitute a violation of KRS Chapter 224, among which shall be the following remedies: enforcement action, permit revocation, revocation and reissuance, or modification; or denial of a permit renewal application.

(b) Specific duties.

1. The permittee shall comply with effluent standards or prohibitions established under 40 CFR Part 129 as of July 1, 2001, as adopted without change, within the time provided in the federal regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
2. Any person who violates a permit condition as set forth in the KPDES administrative regulations shall be subject to penalties under KRS 224.99-010(1) and (4).

(2) Duty to reapply.

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit as required in 401 KAR 5:060, Section 1.

(3) Need to halt or reduce activity not a defense.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(4) Duty to mitigate.

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

(5) Proper operation and maintenance.

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also shall include adequate laboratory controls, and appropriate quality assurance procedures. This provision shall require the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only if the operation is necessary to achieve compliance with the conditions of the permit.

(6) Permit actions.

The permit may be modified, revoked and reissued, or revoked for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or revocation, or a notification of planned changes or anticipated noncompliance, shall not stay any permit condition.

(7) Property rights.

This permit shall not convey any property rights of any kind, or any exclusive privilege.

(8) Duty to provide information.

The permittee shall furnish to the cabinet, within a reasonable time, any information which the cabinet may request to determine whether cause exists for modifying, revoking and reissuing, or revoking this permit, or to determine compliance with this permit. The permittee shall also furnish to the cabinet, upon request, copies of records required to be kept by this permit.

(9) Inspection and entry.

The permittee shall allow the cabinet, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records pertinent to the KPDES program are or may be kept;
- (b) Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of this permit;
- (c) Inspect at reasonable times any facilities, equipment, including monitoring and control equipment, practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times, for the purposes of assuring KPDES program compliance or as otherwise authorized by KRS Chapter 224, any substances or parameters at any location.

(10) Monitoring and records.

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report, or application. This period may be extended by request of the cabinet at any time.
- (c) Records of monitoring information shall include:
 - 1. The date, exact place, and time of sampling or measurements;
 - 2. The individuals who performed the sampling or measurements;
 - 3. The dates analyses were performed;
 - 4. The individuals who performed the analyses;
 - 5. The analytical techniques or methods used; and
 - 6. The results of the analyses.
- (d) Monitoring shall be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the permit.
- (e) Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under the permit shall, upon conviction, be subject to penalties under KRS 224.99-010(4).

(11) Signatory requirement.

All applications, reports, or information submitted to the cabinet shall be signed and certified as indicated in 401 KAR 5:060, Section 9. Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be subject to penalties under KRS 224.99-010(4).

(12) Reporting requirements.

(a) Planned changes.

The permittee shall give notice to the cabinet as soon as possible of any planned physical alteration or additions to the permitted facility. Notice shall be required only if:

1. The alteration or addition to a permitted facility may meet one (1) of the criteria for determining whether a facility is a new source in 401 KAR 5:080, Section 5; or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification only applies to pollutants which are subject either to effluent limitations in the permit, or to notification requirements under 401 KAR 5:080, Section 5.

(b) Anticipated noncompliance.

The permittee shall give advance notice to the cabinet of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(c) Transfers.

The permit shall not be transferable to any person except after notice to the cabinet. The cabinet may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate other requirements as may be necessary under KRS Chapter 224.

(d) Monitoring reports.

Monitoring results shall be reported at the intervals specified in the permit. Monitoring results shall be reported as follows:

1. Monitoring results shall be reported on a Discharge Monitoring Report (DMR).
2. If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
3. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the cabinet in the permit.

(e) Compliance schedules.

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.

(f) Twenty-four (24) hour reporting.

The permittee shall follow the provisions of 401 KAR 5:015 and shall orally report any noncompliance which may endanger health or the environment, within twenty-four (24) hours from the time the permittee becomes aware of the circumstances. This report shall be in addition to and not in lieu of any other reporting requirement applicable to the noncompliance. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The cabinet may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours. The following shall be included as events which shall be reported within twenty-four (24) hours:

1. Any unanticipated bypass which exceeds any effluent limitation in the permit, as indicated in subsection (13) of this section.
2. Any upset which exceeds any effluent limitation in the permit.
3. Violation of a maximum daily discharge limitation for any of the pollutants listed by the cabinet in the permit to be reported within twenty-four (24) hours, as indicated in Section 2(7) of this administrative regulation.

(g) Other noncompliance.

The permittee shall report all instances of noncompliance not reported under paragraphs (d), (e), and (f) of this subsection, when monitoring reports are submitted. The reports shall contain the information listed in paragraph (f) of this subsection.

(h) Other information.

Where the permittee becomes aware that it failed to submit any relevant fact in a permit application, or submitted incorrect information in a permit application or in any report to the cabinet, it shall promptly submit these facts or information.

(13) Occurrence of a bypass.

(a) Bypass not exceeding limitations.

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. This type of bypass shall not be subject to the provisions of paragraphs (b) and (c) of this subsection.

(b) Notice.

1. Anticipated bypass.

If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass. Compliance with this requirement constitutes compliance with 401 KAR 5:015, Section 1.

2. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in subsection (12)(f) of this section, twenty-four (24) hour notice. Compliance with this requirement constitutes compliance with 401 KAR 5:015, Section 4.

(c) Prohibition of a bypass.

1. Bypassing shall be prohibited, and the cabinet may take enforcement action against a permittee for bypass, unless:
 - a. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition shall not be satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The permittee submitted notices as required under paragraph (b) of this subsection.
2. The cabinet may approve an anticipated bypass, after considering its adverse effects, if the cabinet determines that it will meet the three (3) conditions listed in subparagraph 1a, b, and c of this paragraph.

(14) Occurrence of an upset.

(a) Effect of an upset.

An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of paragraph (b) of this subsection are met.

(b) Conditions necessary for a demonstration of an upset.

A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and that the permittee can identify the causes of the upset;
2. The permitted facility was at the time being properly operated;
3. The permittee submitted notice of the upset as required in subsection (12)(f) of this section; and
4. The permittee complied with any remedial measures required under subsection (4) of this section.

(c) Burden of proof.

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset shall have the burden of proof.

(15) Additional conditions applicable to specified categories of KPDES permits.

The following conditions, in addition to others set forth in this administrative regulation, shall apply to all KPDES permits within the categories specified below:

(a) Existing manufacturing, commercial, mining, and silvicultural dischargers.

In addition to the reporting requirements under subsections (12), (13), and (14) of this section, any existing manufacturing, commercial, mining, and silvicultural discharger shall notify the cabinet as soon as it knows or has reason to know:

1. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"

- a. 100 micrograms per liter (100 µg/l);
- b. 200 micrograms per liter (200 µg/l) for acrolein and acrylonitrile; 500 micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one (1) milligram per liter (1 mg/l) for antimony;
- c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 401 KAR 5:060, Section 2(7);
- d. The level established by the cabinet in accordance with Section 2(6) of this administrative regulation.

2. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"

- a. 500 micrograms per liter (500 µg/l);
- b. One (1) milligram per liter (1 mg/l) for antimony;
- c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 401 KAR 5:060, Section 2(7); or
- d. The level established by the cabinet in accordance with Section 2(6) of this administrative regulation.

(b) POTWs.

1. POTWs shall provide adequate notice to the cabinet of the following:

- a. Any new introduction of pollutants into that POTW from an indirect discharger which would be subject to the KPDES administrative regulations if it were directly discharging those pollutants; or
- b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

2. For purposes of this paragraph, adequate notice shall include information on the quality and quantity of effluent introduced into the POTWs and any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

PART III

ADDITIONAL REQUIREMENTS

1. Application, Renewal, Termination, and Transfer Requirements

Application for a new construction and coverage under this general permit shall include the following elements:

- (1) A complete Notice of Intent for General Permit Coverage For Individual Family Residences (NOI-IFR)
- (2) An unreduced original or 8½ X 11 copy of a USGS 7½ minute quadrangle map for the site and mark the treatment plant location and discharge location. The map should indicate Quad name and extend at least one mile beyond the property boundary. USGS maps may be obtained from the University of Kentucky, Mines and Minerals Bldg. Room 106, Lexington, Kentucky 40506.
- (3) A complete set of plans and specifications of the treatment system including a drawing of all the components
- (4) A detailed site plan illustrating: the layout of the residence, components of the treatment system, sewer lines, property boundaries, receiving waters, and all dwellings within 200 feet of the wastewater treatment system. The dimensions of the residence and the distances to each of the surface features must be provided.
- (5) If the property is located within a Regional Facility Planning Area, submit a letter from the appropriate planning authority stating that connection to a regional facility is not available and the proposed treatment system is compatible with the Regional Facility Plan.
- (6) A Construction Permit Fee of \$450.00 (Checks are to be paid payable to the Kentucky State Treasurer)
- (7) Copies of the Department for Public Health On Site Sewage Disposal System Site Evaluation (Form DFS-321) and Onsite Sewage Agency Referral (Form DFS-405).

Termination of general permit coverage shall take the form of a Notice of Termination (NOT).

Transfers of general permit coverage shall consist of a completed Change in Ownership Certification.

The KPDES FORM WI, NOI-IFR, and Change in Ownership Certification forms are available from the Division of Water's web site at:

NOI-IFR: <http://water.nr.state.ky.us/dow/descrip.html>

Change in Ownership: <http://water.nr.state.ky.us/dow/descrip.html>

PART III

ADDITIONAL REQUIREMENTS - continued

2. Operations Automatically Excluded From General Permit Coverage

- (1) Those individual family residences which have not received a construction permit from the Division of Water to install an approved wastewater treatment and disposal system.
- (2) New discharges into a water body that has been classified as a Coldwater Aquatic Habitat (CAH) or an Outstanding State Resource Waters (OSRW) as listed in 401 KAR 5:026, Section 5.
- (3) New discharges into a water body that has been classified as a publicly-owned lake or reservoir as listed in 401 KAR 5:026, Section 5.
- (4) New discharges into a water body that has been categorized as an Outstanding National Resource Water (ONRW) or as an Exceptional Waters (EW) as listed in 401 KAR 5:030.
- (5) New discharges within five (5) miles upstream of an existing drinking water intake
- (6) Any discharge to a water of the Commonwealth that has been listed, in the most recently developed 305 (b) report or 303(d) list, as impaired for pathogens, low dissolved oxygen, organic enrichment, or nutrients.
- (7) Any wastewater which does not receive the minimum treatment requirements of extended aeration, sand filtration, and disinfection.
- (8) Any permittee that fails to maintain the wastewater treatment plant in good working order or does not have a maintenance contract.
- (9) Any permittee that fails to maintain the required operational records and submission of the Discharge Monitoring Reports (DMRs).
- (10) Any discharge, which the Division of Water (DOW) determines that an individual permit would better address the discharges from that operation.

Any interested person may petition the Division of Water to require an individual permit under these conditions.

The Division of Water may require any permittee authorized by this permit to apply for an individual KPDES permit only if the permittee has been notified in writing that a permit application is required.